

DAYBREAK AREA

URBAN RENEWAL PLAN

Town of Erie, Colorado

August 2013

Prepared for:

Town of Erie Urban Renewal Authority
Town of Erie Board of Trustees

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DayBreak Area Urban Renewal Plan

Town of Erie, Colorado

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DayBreak Area Urban Renewal Plan

Town of Erie, Colorado

1.0 Introduction

1.1 Preface

This *DayBreak Area Urban Renewal Plan* (the “**Plan**”) has been prepared by the Town of Erie Urban Renewal Authority (the “**Authority**”) for the Town of Erie (the “**Town**”). It will be carried out by the Authority, pursuant to the provisions of the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, 1973, as amended (the “**Act**”). The administration and implementation of this Plan, including the preparation and execution of any documents implementing it, shall be performed by the Authority.

1.2 Blight Findings

Under the Act, an urban renewal area is a blighted area, which has been designated as appropriate for an urban renewal project. In each urban renewal area, conditions of blight, as defined by the Act, must be present, and in order for the Authority to exercise its powers, the Board of Trustees (the “**Board of Trustees**”) must find that the presence of those conditions of blight, “substantially impairs or arrests the sound growth of the municipality or constitutes an economic or social liability, and is a menace to the public health, safety, morals or welfare.”

The Town of Erie Area Conditions Survey, prepared by RickerCunningham, dated February, 2012 and which is attached hereto as **Attachment 1** (the

“Survey”), demonstrates that the Survey Area (the **“Survey Area”**), as defined in the Survey and specifically “Superblock No. 4” as it is referred to in the Survey and where the DayBreak Urban Renewal Area (the **“Area”**) is located, qualifies as a blighted area under the Act.

1.3 Other Findings

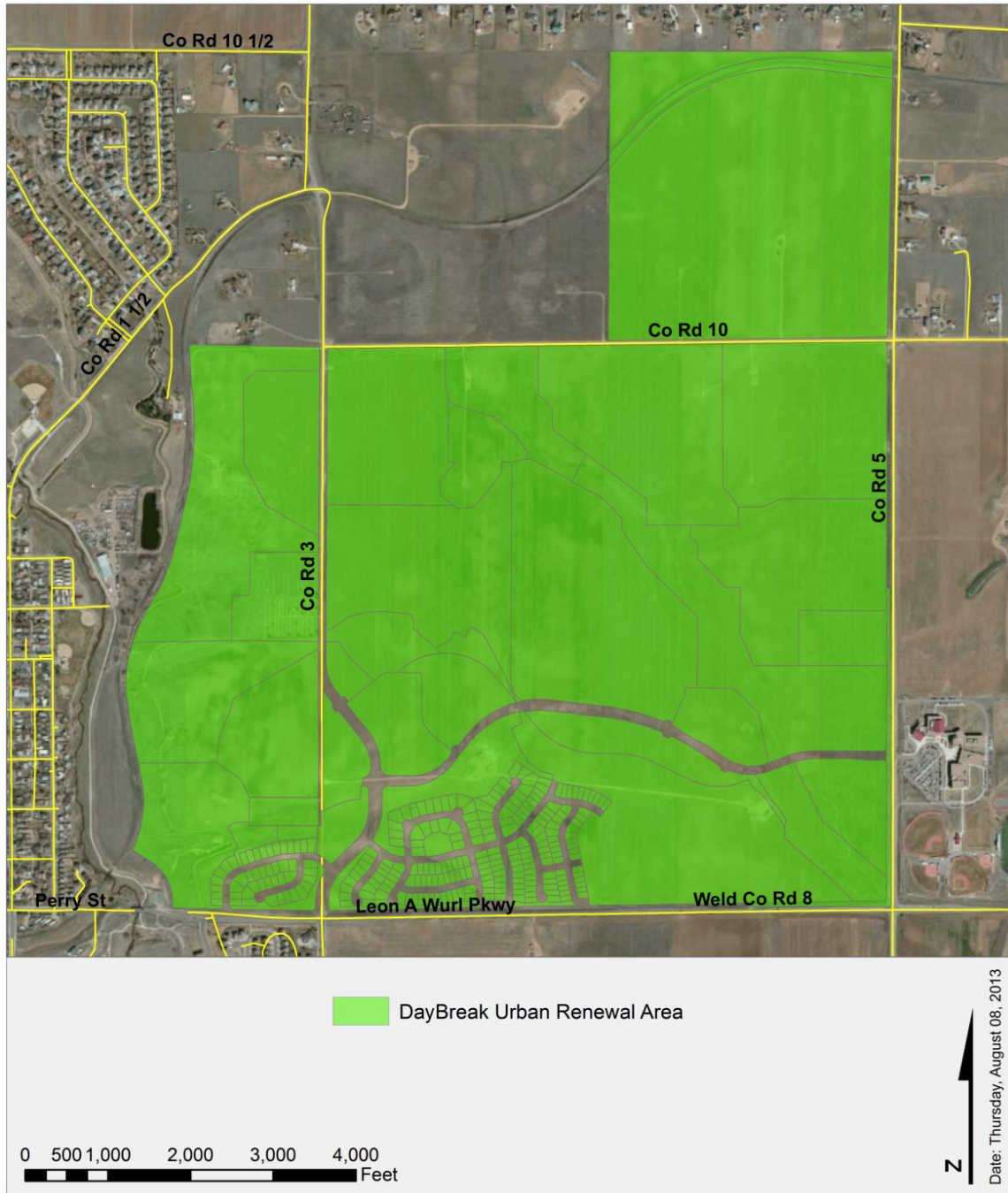
Based on the findings of the Survey, the Area is appropriate for one or more urban renewal activities and undertakings authorized by the Act to be advanced by the Authority. It is the intent of the Board of Trustees in adopting this Plan that the Authority exercise all powers authorized in the Act which are necessary, convenient or appropriate to accomplish the objectives stated herein. Further, it is the intent of this Plan that the Authority exercise all such powers as may now be possessed or hereafter granted for the elimination of qualifying conditions in the Area.

As explained in the Act, the powers conferred are for public uses and purposes for which public money may be expended. Additionally, the Plan is in the public interest and necessity -- such finding being a matter of legislative determination by the Board of Trustees.

1.4 Urban Renewal Area Boundaries

The Area includes all properties within the Town limits as delineated in Figure No. 1 and described in the legal description presented in the Appendix. The boundaries of the Area include approximately 138 acres of land generally defined to include 297 legal parcels and adjacent rights-of-way. Geographically, it is generally situated in the northwest quadrant of Weld County Road 8 and County Road 5 in eastern Erie, as illustrated in Figure No. 1. In case of conflict, Figure No. 1 shall control.

Figure No. 1: DayBreak Urban Renewal Area



1.4.1 Map of Urban Renewal Area (Figure No. 1)

The Area map is presented as Figure No. 1 on the previous page.

2.0 Definitions

Act – means the Urban Renewal Law of the State of Colorado, Part 1 of Article 25 of Title 31, Colorado Revised Statutes, as amended.

Area – means the DayBreak Area Urban Renewal Area and DayBreak Area Urban Renewal Plan Area as depicted in Figure No. 1 and legally described in Appendix II.

Authority – means the Town of Erie Urban Renewal Authority.

Town Board of Trustees – means the Town Board of Trustees of the Town of Erie.

Comprehensive Plan – the Town of Erie Comprehensive Plan adopted 2005.

Cooperation Agreement – means any agreement between the Authority and Town, or any public body (the term “public body” being used in this Plan as defined by the Act) respecting action to be taken pursuant to any of the powers set forth in the Act or in any other provision of Colorado law, for the purpose of facilitating public undertakings deemed necessary or appropriate by the Authority under this Plan.

C.R.S. – means the Colorado Revised Statutes, as amended from time to time.

Impact Report – means the DayBreak Area Weld County Impact Report prepared by RickerCunningham, dated August, 2013, attached hereto as Attachment 2 and incorporated herein by this reference.

Improvement District – means a special district created to make improvements, typically to public space infrastructure, in a given area.

Municipal Sales Tax Increment Revenue - means the municipal sales tax increment revenue allocated to the Authority as defined in Section 7.3.3 of this Plan.

Plan – means this DayBreak Area Urban Renewal Plan.

Property Tax Increment Area – means portion of the Area designated as a property tax increment area, as defined and pursuant to the procedures set forth in Section 7.3 of this Plan.

Property Tax Increment Revenue – means the property tax increment revenue allocated to the Authority by the Act as defined in Section 7.3.3 of this Plan.

Redevelopment / Development Agreement – means one or more agreements between the Authority and developer(s) and / or property owners or such other individuals or entities as may be determined by the Authority to be necessary or desirable to carry out the purposes of this Plan.

Survey – means the Town of Erie Area Conditions Survey, prepared by RickerI Cunningham, dated February, 2012, attached hereto as Attachment 1 and incorporated herein by this reference.

Survey Area – means the geographic territory defined for the Survey, the boundaries of which are larger than the Area boundaries.

Tax Increment Area – means a portion of the Area designated as a Property Tax Increment Area, as defined and pursuant to the procedures set forth in Section 7.3 of this Plan.

Tax Increment Financing (TIF) – means the net new tax revenue generated within the Area resulting from new investment after adoption of the Plan and certification of the base.

Urban Renewal Project – means any work or undertaking carried out under the Act.

3.0 Purpose of the Plan

The purpose of this Plan is to reduce, eliminate and prevent the spread of blight within the Area by stimulating growth and investment within its boundaries. To accomplish this purpose, the Plan is intended to promote local objectives expressed in adopted community plans with respect to appropriate land uses, private investment, and public improvements, provided that the delineation of such objectives shall not be construed to require that any particular project necessarily promote all such objectives. Specifically, the Plan seeks to advance the vision and priorities of the Town of Erie Comprehensive Plan (the “**Comprehensive Plan**”).

While the principal goal of the urban renewal effort, as required by the Act, is to afford maximum opportunity, consistent with the sound needs of the Town as a whole, to develop and rehabilitate the Area by private enterprise, it is not intended to replace the efforts of area business development or marketing organizations. The development of properties within the Area will be accomplished through the improvement of existing and construction of new, structures and infrastructure, attraction of new investment and investment in the Area through the involvement of the Authority and Town with participation and cooperation by the private sector.

3.1 Development and Design Objectives

All development shall conform to the Zoning Code and any site-specific zoning regulations or policies which might impact properties within the Area, all as in effect and as may be amended from time to time. While the Act authorizes the Authority to undertake zoning and planning activities to regulate land use, establish maximum or minimum densities, and define building requirements in the Area, the Town will regulate land use and building requirements through existing municipal codes and ordinances as may be amended from time to time.

General objectives for the Area include -- advancing development for the purpose of generating revenues sufficient to fund public improvements that address conditions of blight -- while facilitating development and redevelopment in the Area and on adjacent properties -- in a manner that furthers the Town's objectives to be a community "*which offers its residents ... a high quality of life; a balanced community with a diverse range of housing, employment, educational, shopping and recreational opportunities.*" (Town of Erie Comprehensive Plan 2005)

Specific objectives include the following:

1. Eliminate and prevent blight by facilitating development and redevelopment.
2. Implement elements of the Comprehensive Plan.
3. Support and advance actions identified in existing plans prepared by the Town of Erie related to development of vacant and under-utilized parcels that are consistent with the vision of this Plan.
4. Improve the relationship between this area and the balance of the eastern portion of the community.
5. Develop an attractive entry to the Town.
6. Deliver superior infrastructure that correspondingly leverages an appropriate level and character of development.
7. Encourage a mix of land uses and product types that foster vitality within the project and compatibility with surrounding areas.
8. Promote densities and intensities of land uses appropriate for a master planned community with sustained value.
9. Provide infrastructure that encourages non-vehicular movement within and to the Area.

10. Incorporate safe, convenient pedestrian linkages between the Area and recreational facilities and commercial centers.
11. Advance uses that can leverage public investment in planned improvements.
12. Provide a range of financing mechanisms for improvements.
13. Facilitate public-private partnerships.

4.0 Blight Conditions

Before an urban renewal plan can be adopted by the Town, the Area must be determined to be a “blighted area” as defined in Section 31-25-103(2) of the Act, which provides that, in its present condition and use, the presence of at least four (or five in cases where the use of eminent domain is anticipated), of the following factors (see below) in the Area, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare:

- (a) Slum, deteriorated, or deteriorating structures;
- (b) Predominance of defective or inadequate street layout;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d) Unsanitary or unsafe conditions;
- (e) Deterioration of site or other improvements;
- (f) Unusual topography or inadequate public improvements or utilities;
- (g) Defective or unusual conditions of title rendering the title nonmarketable;
- (h) The existence of conditions that endanger life or property by fire or other causes;
- (i) Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities;
- (j) Environmental contamination of buildings or property;
- (k.5) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements; or
- (l) If there is no objection by the property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, “blighted area” also means an area that, in its present

condition and use and, by reason of the presence of any one of the factors specified in paragraphs (a) to (k.5) of Section 31-25-103(2), substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare.

The general methodology for conducting the Survey is to: (i) define the Survey Area; (ii) gather information about properties, infrastructure and other improvements within the Area; (iii) evaluate evidence of blight through field reconnaissance, review of aerial photography, discussions with representatives of various Town departments; and, (iv) record observed and documented conditions as per the Statute.

Among the 11 qualifying factors identified in the Act, the Survey identified the presence of the following nine blight factors in the Survey Area:

- (a) Slum, deteriorated, or deteriorating structures
- (b) Predominance of defective or inadequate street layout
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness
- (d) Unsanitary or unsafe conditions
- (e) Deterioration of site or other improvements
- (f) Unusual topography or inadequate public improvements or utilities;
- (h) The existence of conditions that endanger life or property by fire or other causes
- (i) Buildings that are unsafe or unhealthy for persons to live or work in
- (k5) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements

Within Superblock No. 4, the Survey identified the presence of the following five blight factors:

- (b) Predominance of defective or inadequate street layout

- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness
- (d) Unsanitary or unsafe conditions
- (f) Unusual topography or inadequate public improvements or utilities
- (k5) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements

5.0 Plan's Relationship to Local Objectives and Appropriate Land Uses

5.1 General Description

Implementation of this Plan supports the objectives and requirements of the Comprehensive Plan with respect to connectivity to neighborhoods, accessibility to open space, completion of infrastructure including activity centers, preservation of natural features and quality design that promotes Erie's unique identity. As development occurs in the Area, it shall conform to the Comprehensive Plan and any subsequent updates; the Town of Erie Unified Building Code and any rules, regulations, and policies promulgated pursuant thereto; any site-specific planning documents that might impact properties in the Area including, but not limited to, Town-approved site, drainage, and public improvement plans; and, any applicable Town design standards, all as in effect and as may be amended from time to time. Finally, existing conditions present within the Area will be remedied by the proposed Plan and funded in part by tax increment revenues and improvements phased as the market allows.

5.2 Relationship to Erie Comprehensive Plan

A general plan for the Town, known as the *Town of Erie Comprehensive Plan* was adopted in 2005. The Authority, with the cooperation of the Town, private enterprise and other public bodies, will undertake projects and activities described in this Plan in order to eliminate the conditions of blight identified

herein while implementing the goals and objectives of the Comprehensive Plan and any subsequent updates. Specific elements of the Comprehensive Plan which this Plan advances, include the following (taken verbatim).

GUIDING PRINCIPLES

The following statements describe the community's aspirations and set the direction for the Comprehensive Plan. They demonstrate the general ideals to be sought for the Town within its planning area over the next 20 years, building on the Vision established for the community.

Our Vision includes the following key principles:

- **A Coordinated and Efficient Pattern of Growth**

The Town will have a compact pattern that encourages urban growth to locate within the Planning Area Boundary, fosters the efficient provision of infrastructure and services, and balances development and conservation of the natural environment.

- **Quality Design and Development**

Erie will promote a high standard of design for all new development, renovation, and rehabilitation to reinforce and enhance its unique nature for residential neighborhoods, public places, and commercial businesses.

- **Trails, Parks and Recreation Opportunities**

The Town will provide a diverse range of recreational opportunities to include facilities and programming for all ages and varying interests, both passive and active. Trails, parks, and recreation opportunities will be connected with and integrate open space into and between neighborhoods and other areas of the community.

- **Stable, Cohesive Neighborhoods Offering a Variety of Housing Types**

The Town will promote new neighborhoods that contain a mix of land uses and diversified housing options that meet the varying needs of its residents, including single family, attached homes (duplexes, townhomes), multifamily dwellings, and housing included as part of mixed-use developments. The Town will work to maintain the quality and character of established neighborhoods and ensure that infill and redevelopment is designed in a manner that minimizes impacts on existing neighborhoods, including rural neighborhoods in the Planning Area. New housing and neighborhoods should be appropriate in size, scale, design and use. New housing areas should be located where residents will have access to the full range of infrastructure, facilities and services that are needed for healthy, livable neighborhoods.

Additional excerpts are presented in Appendix I.

5.3 Relationship to Other Community Plans

Implementation of this Plan will be consistent with development objectives expressed in all community adopted and accepted plans that pertain to development in the Area.

6.0 Authorized Urban Renewal Undertakings and Activities

The Act allows for a wide range of activities to be used in the implementation of an urban renewal plan. In the case of this Plan, it is the Authority's intent to provide financial assistance and public improvements in cooperation with property owners and other affected parties in order to accomplish its objectives. Public-private partnerships and other forms of cooperative development will be key to the Authority's strategy for preventing the spread of blight and eliminating existing blight conditions.

6.1 Public Improvements and Facilities

The Authority may undertake certain actions to make the Area more attractive for private investment. The Authority may, or may cooperate with others to, finance, install, construct, and reconstruct any public improvements.

Additionally, the Authority may, or may cooperate with others to, demolish and clear existing improvements for the purpose of promoting the objectives of the Plan and Act.

It is the intent of this Plan that the combination of public and private investment that may be necessary to advance the objectives stated herein will contribute to the overall economic well-being of the community, not just the Area.

As described in Section 4.0 of this Plan, five qualifying conditions of blight are present within Superblock No. 4 or the Area, as defined in Section 31-25-103(2) of the Act. This Plan proposes addressing each of those conditions through potential completion of the following:

- (b) Predominance of defective or inadequate street layout: construct complete streets to and within the Area, as well as connections which accommodate non-vehicular movement;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness: improve access to properties within the Area from surrounding roadways and adjacent development;
- (d) Unsanitary or unsafe conditions: through construction of complete streets, incorporate appropriate lighting, sidewalks, trails and other improvements that allow for safe movement to and within the Area; assist with any required off-site improvements deemed reasonable and for the public benefit; and, assist with mitigating any influences (natural or manmade) which negatively impact properties within the Area and preclude advancement of the vision;

- (f) Unusual topography or inadequate public improvements or utilities: on-site and off-site infrastructure improvements deemed reasonable, for the public benefit and as approved by the Authority; sidewalk and complete street construction; and, improved access; and
- (k5) The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements: property development and public improvements.

6.2 Other Improvements and Facilities

There could be other non-public improvements in the Area that may be required to accommodate development and redevelopment. The Authority may assist in the financing or construction of these improvements to the extent authorized by the Act.

6.3 Development Opportunities—Catalyst Projects

A key concept associated with implementation of the Plan is targeted investment that will serve to catalyze development throughout the Area and fund public improvements. The aggregate impact of potential investment within the Area is reflected in the Impact Report in Attachment 2.

6.4 Development Standards

All development in the Area shall conform to applicable rules, regulations, policies and other requirements and standards of the Town and any other governmental entity which has jurisdiction over all or any portion of the Area.

In conformance with the Act and the Plan, the Authority may adopt design standards and other requirements applicable to projects undertaken by the Authority in the Area. Unless otherwise approved by the Board of Trustees, any

such standards and requirements adopted by the Authority shall be consistent with all other Town zoning and development policies and regulations.

6.5 Variations in the Plan

The Authority may propose, and the Board of Trustees may make, such modifications to this Plan as may be necessary provided they are consistent with the Comprehensive Plan and any subsequent updates, as well as the Act, or such amendments made in accordance with this Plan and as otherwise contemplated by this Plan.

The Authority may, in specific cases, allow non-substantive variations from the provisions of this Plan if it determines that a literal enforcement of the provision would constitute an unreasonable limitation beyond the intent and purpose stated herein.

6.6 Urban Renewal Plan Review Process

The review process for the Plan is intended to provide a mechanism to allow those parties responsible for implementing key projects to periodically evaluate its effectiveness and make adjustments to ensure efficiency in implementing the recommended activities.

The following steps are intended to serve as a guide for future Plan review:

- (a) The Authority may propose modifications, and the Board of Trustees may make such modifications as may be necessary provided they are consistent with the Comprehensive Plan and any subsequent updates, as well as the Act.
- (b) Modifications may be developed from suggestions by the Authority, property and business owners, and Town staff operating in support of the Authority and advancement of this Plan.

6.7 Property Acquisition and Land Assemblage

The Authority may acquire property by negotiation or any other method authorized by the Act, except that this Plan does not authorize the Authority to exercise the power of eminent domain granted by the Act. The Authority may temporarily operate, manage and maintain property acquired in the Area. Such property shall be under the management and control of the Authority and may be rented or leased pending its disposition for redevelopment.

6.8 Relocation Assistance

It is not anticipated that acquisition of real property by the Authority will result in the relocation of any individuals, families, or business concerns. However, if such relocation becomes necessary, the Authority will adopt a relocation plan in conformance with the Act.

6.9 Demolition, Clearance, Environmental Remediation, and Site Prep

In carrying out this Plan, it is anticipated that the Authority may, on a case-by-case basis, elect to demolish or to cooperate with others to clear buildings, structures and other improvements. Additionally, development activities consistent with this Plan, including but not limited to Development or Cooperation Agreements, may require such demolition and clearance to eliminate unhealthy, unsanitary, and unsafe conditions, eliminate obsolete and other uses detrimental to the public welfare, and otherwise remove and prevent the spread of deterioration.

With respect to property acquired by the Authority, it may demolish and clear, or contract to demolish and clear, those buildings, structures and other improvements pursuant to this Plan, if in the judgment of the Authority, such buildings, structures and other improvements are not to be rehabilitated in accordance with this Plan. The Authority may also undertake such additional

site preparation activities as it deems necessary to facilitate the disposition and development of such property.

6.10 Property Disposition

The Authority may sell, lease, or otherwise transfer real property or any interest in real property subject to covenants, conditions and restrictions, including architectural and design controls, time restrictions on development, and building requirements, as it deems necessary to develop such property. Real property or interests in real property may be sold, leased or otherwise transferred for uses in accordance with the Act and this Plan. All property and interest in real estate acquired by the Authority in the Area that is not dedicated or transferred to public entities, shall be sold or otherwise disposed of for redevelopment in accordance with the provision of this Plan and the Act.

6.11 Redevelopment and Rehabilitation Actions

Development and redevelopment actions within the Area may include such undertakings and activities as are in accordance with this Plan and the Act, including without limitation: installation, construction and reconstruction of public improvements; elimination of unhealthful, unsanitary or unsafe conditions; prevention of the spread of deterioration; and, provision of land for needed public facilities. The Authority may enter into Cooperation Agreements and Redevelopment / Development Agreements to provide assistance or undertake all other actions authorized by the Act or other applicable law to improve the Area.

6.12 Redevelopment / Development Agreements

The Authority is authorized to enter into Redevelopment / Development Agreements or other contracts with developer(s) or property owners or such other individuals or entities as are determined by the Authority to be necessary

or desirable to carry out the purposes of this Plan. Such Redevelopment / Development Agreements, or other contracts, may contain such terms and provisions as shall be deemed necessary or appropriate by the Authority for the purpose of undertaking the activities contemplated by this Plan and allowed for under the Act. The Authority may further provide for such undertakings including financial assistance, as may be necessary for achievement of the objectives stated herein or as may otherwise be authorized by the Act.

Any existing agreements between the Town and other parties that are consistent with this Plan are intended to remain in full force and effect, unless all parties to such agreements agree otherwise.

6.13 Cooperation Agreements

For the purpose of this Plan, the Authority may enter into one or more Cooperation Agreements pursuant to the Act. The Town and Authority recognize the need to cooperate in the implementation of this Plan and, as such, Cooperation Agreements may include, without limitation, agreements regarding the planning and implementation of projects within its boundaries, as well as programs, public works operations, or activities which the Authority, the Town, or such other public body otherwise empowered to undertake and including without limitation agreements respecting the financing, installation, construction and reconstruction of public improvements, storm water detention, environmental remediation, landscaping and/or other eligible improvements. This paragraph shall not be construed to require any particular form of cooperation.

The Town has entered into, or will enter into, such agreements with the following entities: St. Vrain Valley School District; Mountain View Fire

Protection District; High Plains Library District; Northern Colorado Water Conservancy District; Weld County; and Daybreak Metropolitan District.

6.14 Creation of Tax Increment Areas

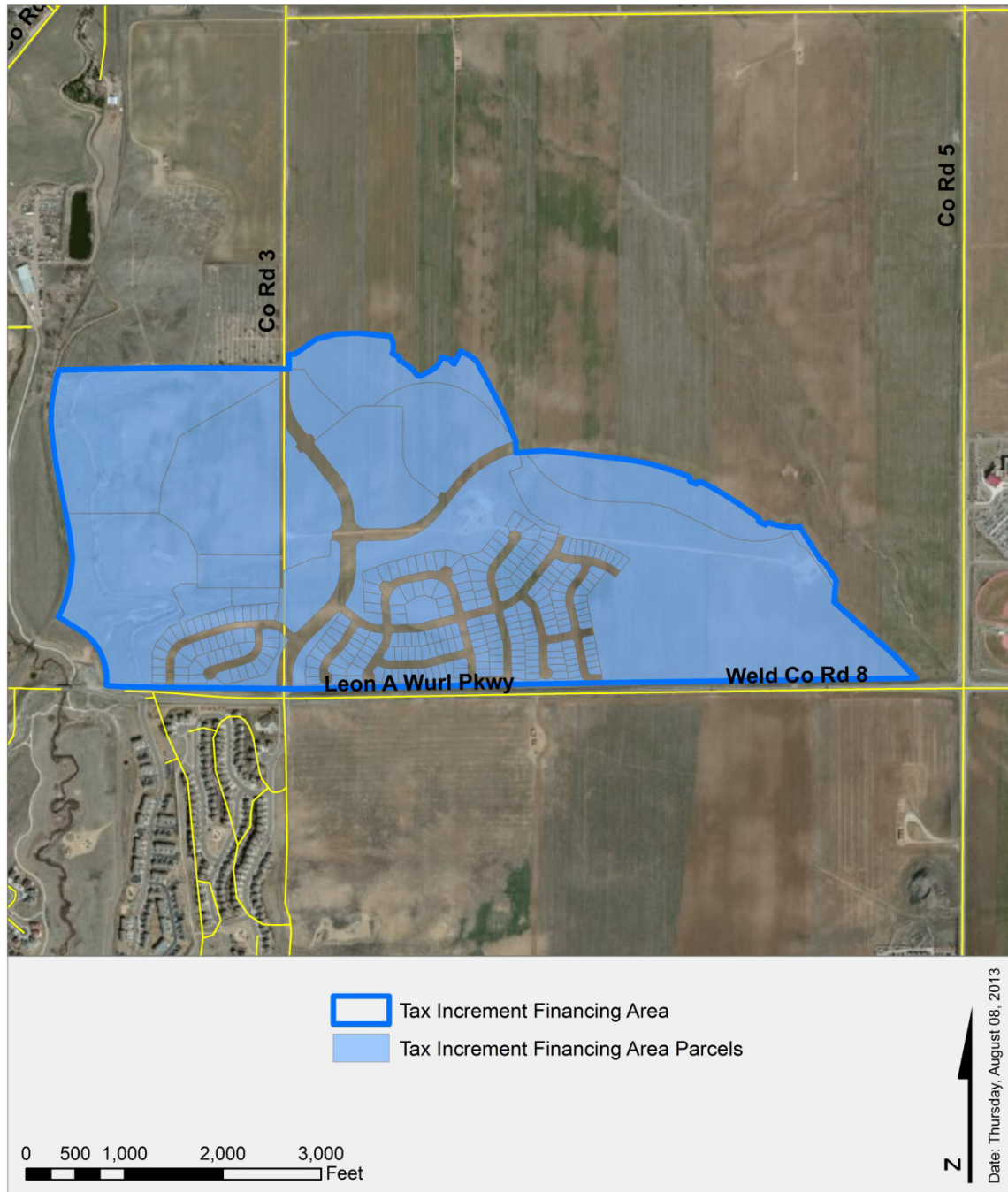
The boundaries of the Area shall be as set forth in **Appendix II**. As more fully set forth herein **Section 7.3** below, it is the intent of the Board of Trustees in approving this Plan to authorize the use of Tax Increment Financing (TIF) by the Authority as part of its efforts to undertake its implementation. Pursuant to the provisions of Section 31-25-107(9) of the Act, the Board of Trustees in approving this Plan contemplates that separate property tax increment areas (“**Property Tax Increment Areas**” or “**Tax Increment Areas**”) shall be created within the Area as development occurs. At the time of adoption of this Plan, the Authority only anticipates the creation of one Tax Increment Area, but acknowledges that others could be necessary. Notwithstanding such distinction, the Authority is specifically authorized to expend the revenue from property tax increments to the extent authorized by the Act.

As new Tax Increment Areas are needed, if any, this Plan may be amended to reflect the boundaries of that new Tax Increment Area. The process for creating a new Tax Increment Area shall be initiated by the Authority as set forth in the Act.

6.15 Map of Tax Increment Financing Area No. 1 (Figure No. 2)

A legal description for the first TIF District (the “**District**”) to be established with adoption of this Plan is presented in Appendix II. A

Figure No. 2: Tax Increment Financing Area No. 1



map illustrating the boundaries of the District is presented as Figure No. 2 on the previous page.

7.0 Project Financing

7.1 Public Investment Objective

A critical component to the success of any urban renewal strategy is participation by both the public and private sectors. Leveraging of resources will be key as no one entity, either public or private, has sufficient resources alone to sustain a long-term improvement effort. Typical public infrastructure investments may include, but are not limited to: improving streets and public spaces; providing other infrastructure improvements; completing roads and utilities; completing streetscape elements; improving access and circulation; completing regional pedestrian connections; and, supplementing various other financing mechanisms.

7.2 Authorization

The Authority may finance undertakings pursuant to this Plan by any method authorized under the Act or any other applicable law, including without limitation: issuance of notes, bonds and other obligations as defined in the Act in an amount sufficient to finance all or part of this Plan; borrowing of funds and creation of indebtedness; reimbursement agreements; and / or utilization of the following: federal or state loans or grants; interest income; annual appropriation agreements; agreements with public or private entities; and, loans, advances and grants from any other available sources. The principal, interest, costs and fees on any indebtedness are to be paid for with any lawfully available funds of the Authority.

Debt may include bonds, refunding bonds, notes, interim certificates or receipts, temporary bonds, certificates of indebtedness, or any other obligation lawfully created.

7.3 Tax Increment Financing

Activities may be financed by the Authority under the TIF provisions of the Act. Such tax incremental revenues may be used for a period not to exceed the statutory requirement, which is presently 25 years after the effective date of adoption of this Plan, calculated in accordance with applicable rules of the Property Tax Administrator of the State of Colorado.

7.3.1 Special Fund

In accordance with the requirements of the law, the Authority shall establish a tax increment revenue fund for the deposit of all funds generated pursuant to the division of ad valorem property and municipal tax revenue described in this section.

7.3.2 Base Amount

That portion of the taxes which are produced by the levy at the rate fixed each year by or for each public body upon the valuation for assessment of taxable property in the Tax Increment Area last certified prior to the effective date of approval of the Plan (or future amendments), shall be paid into the funds of each such public body as are all other taxes collected by or for said public body.

7.3.3 Increment Amount

As explained under 6.14 above, that portion of said property taxes in excess of such base amount set forth in Section 7.3.2 of this Plan shall

be allocated to and, when collected paid into the tax increment revenue fund to pay the principal of, the interest on, and any other premiums due in connection with the bonds of, loans or advances to or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the Authority for financing or refinancing, in whole or in part, one or more Urban Renewal Projects (as defined in the Act), or to make payments authorized by the Act. Unless and until the total valuation for assessment of the taxable property in the Tax Increment Area exceeds the base valuation for assessment of the taxable property in the Tax Increment Area, all of the taxes levied upon taxable property in the Tax Increment Area shall be paid into the funds of the respective public bodies.

The increment portion of the taxes, as described in this subsection 7.3.3, may be irrevocably pledged by the Authority for the payment of the principal of, the interest on, and any premiums due in connection with such bonds, loans, advances and indebtedness incurred by the Authority to finance the Urban Renewal Project (as defined in the Act); provided, however, any offsets collected by the County Treasurer for return of overpayments or any reserve funds reserved by the Authority for such purposes in accordance with Section 31-25-107(9)(a)(III) and (b), C.R.S. The Authority shall set aside and reserve a reasonable amount as determined by the Authority of all incremental taxes paid to the Authority for payment of expenses associated with administering the Plan.

If there is any conflict between the Act and this Plan, the provisions of the Act shall control, and the language in the Plan will be automatically deemed to conform to the Statute.

7.4 Other Financing Mechanisms / Structures

The Plan is designed to provide for the use of TIF as one tool to facilitate investment and reinvestment within the Area. However, in addition to TIF, the Authority shall be authorized to finance implementation of the Plan by any method authorized by the Act. The Authority is committed to making a variety of strategies and mechanisms available. It is the intent of this Plan to use or encourage the use of multiple resources either independently or in various combinations depending on the needs of individual urban renewal projects within its planning area. Given the obstacles associated with redevelopment, the Authority recognizes that it is imperative that solutions and resources be put in place which are comprehensive, flexible and creative.

8.0 Severability

If any portion of this Plan is held to be invalid or unenforceable, such invalidity will not affect the remaining portions of the Plan.

DayBreak Area Urban Renewal Plan

Town of Erie, Colorado

Appendix I:

Town of Erie Comprehensive Plan, adopted 2005 (excerpts taken verbatim, but formatted for emphasis)

Town of Erie Comprehensive Plan adopted 2005 (excerpts taken verbatim)

GUIDING PRINCIPLES

The following statements describe the community's aspirations and set the direction for the Comprehensive Plan. They demonstrate the general ideals to be sought for the Town within its planning area over the next 20 years, building on the Vision established for the community.

Our Vision includes the following key principles:

- **A Coordinated and Efficient Pattern of Growth**

The Town will have a compact pattern that encourages urban growth to locate within the Planning Area Boundary, fosters the efficient provision of infrastructure and services, and balances development and conservation of the natural environment.

- **Quality Design and Development**

Erie will promote a high standard of design for all new development, renovation, and rehabilitation to reinforce and enhance its unique nature for residential neighborhoods, public places, and commercial businesses.

- **Trails, Parks and Recreation Opportunities**

The Town will provide a diverse range of recreational opportunities to include facilities and programming for all ages and varying interests, both passive and active. Trails, parks, and recreation opportunities will be connected with and integrate open space into and between neighborhoods and other areas of the community.

- **Stable, Cohesive Neighborhoods Offering a Variety of Housing Types**

The Town will promote new neighborhoods that contain a mix of land uses and diversified housing options that meet the varying needs of its residents, including single family, attached homes (duplexes, townhomes), multifamily dwellings, and housing included as part of mixed-use developments. The Town will work to maintain the quality and character of established neighborhoods and ensure that infill and redevelopment is designed in a manner that minimizes impacts on existing neighborhoods, including rural neighborhoods in the Planning Area. New housing and neighborhoods should be appropriate in size, scale, design and use. New housing areas should be located where residents will have access to the full range of infrastructure, facilities and services that are needed for healthy, livable neighborhoods.

Chapter 3: Community Building Blocks

During the Planning process a number of distinct themes or “community building blocks” emerged as being fundamental to the ultimate success of the Plan. While each of these themes is addressed at a broad level within the Vision and Guiding Principles outlined in the previous chapter, a discussion of their role in the intended outcome and application of the Comprehensive Plan is provided below. This discussion is intended to supplement the goals and policies contained in the Plan by providing a more focused explanation of the key principles underlying each theme and the Town’s objectives in applying them to future development proposals. Erie’s five Community Building Blocks include:

- Neighborhood Emphasis;
- Mixed-Use Development;
- Gateways and Corridors;
- Rural Character; and
- Economic Sustainability.

NEIGHBORHOOD EMPHASIS

For most of its years Erie consisted of a single, compact neighborhood in what is referred to today as Old Town. Residents of Old Town were able to (and are still able to today, in some cases) walk to meet many of their daily needs and even go to work. In recent years, the Town’s compact feel has begun to change as new development has sprung up in outlying areas of the Town’s Planning Area, far from its historic center and both visually and physically detached from the rest of the community.

The goals and policies contained in the Plan are built around Erie’s desire to distinguish itself as a community of free-standing, but integrated neighborhoods, linked together—and to Old Town—by an interconnected network of pedestrian pathways, trails, and open space. The following principles embody the community’s vision for its future neighborhoods:

MIX OF HOUSING TYPES

- Neighborhoods should contain a variety of housing types (single-family detached, single-family attached, townhomes, apartments, etc...) to provide a more diverse selection of lifestyles and housing pricing for Erie residents.
- Neighborhoods should incorporate a variety of housing models and façade treatments to create visual interest and a more inviting pedestrian environment.

CONNECTIVITY

- Neighborhoods should be connected to adjacent neighborhoods and the surrounding community with direct roadway and pedestrian connections and open space.
- Isolating neighborhoods with walls and gates should be avoided.

PARKS AND OPEN SPACE

- Neighborhoods should include or be easily accessible to a range of parks and open space amenities to appeal to residents of all ages and abilities.

ACTIVITY CENTERS

- Each neighborhood should include an activity center for its residents. Activity centers may include a mix of commercial development, parks, open space, and other community facilities, where appropriate, to serve the needs of neighborhood residents. Larger, commercially-oriented activity centers may serve more than one neighborhood.
- Activity centers should be designed to be connected to adjacent neighborhoods with streets and sidewalks.

PRESERVATION OF NATURAL FEATURES

- Neighborhoods should be planned to maximize the preservation of natural features, such as drainages, significant trees, topographic features, and other features.

DISTINCT IDENTITY

- Neighborhoods should be planned to incorporate unique characteristics that serve as identifiers for residents, such as distinct streetscape elements, architectural styles, and neighborhood center features. However, neighborhoods should also incorporate features that visually and physically link them to the larger community and the Town of Erie. This may occur through naming, street graphics (i.e. incorporating the Town of Erie logo, trail connections, or other features that serve to create a common link between the Town's many neighborhoods.

Chapter 4: Land Use

This chapter provides a series of land use goals and policies that support these Community Building Blocks and provide specific direction for property owners, elected and appointed community leaders, and Town staff and administrators in making decisions regarding the location and design of development within the Planning Area. The chapter also provides a land

use summary table that defines the range of size or density, primary and secondary uses, and defining characteristics for each land use identified on the Future Land Use Map. This Chapter should be used in conjunction with the Future Land Use Map and with the other goals and policies contained in this Plan.

Goal #1: Balanced Land Use Mix

Plan for a balanced mix of commercial and residential land uses in Erie.

RESIDENTIAL

The Future Land Use Map identifies four residential use designations: Rural Residential, Low Density Residential, Medium Density Residential, and High Density Residential. Specific policies are provided for each of the categories, along with a set of general policies that apply to the three urban residential categories. The policies represent a shift towards a more flexible, neighborhood-oriented approach to residential development than is typical of more recent development patterns in the community. The intent is to encourage new neighborhoods to incorporate a diversity of housing (in terms of housing type, density, and price point) and an array of services, such as shopping, schools, and parks that can meet many residents' day-to-day needs within a close proximity. Due to Erie's rolling topography and natural features and current pattern of development, many new neighborhoods will be somewhat isolated physically for the foreseeable future. However, each neighborhood will be linked to adjoining neighborhoods and Old Town through a comprehensive network of trails and open space corridors. This network will provide opportunities for residents to walk or bicycle to nearby services and gathering places and reduce the need for cross-town vehicle trips. Opportunities for neighborhoods that are predominately single-family will continue to exist. A balanced mix of commercial, residential, and employment uses is encouraged, but will be driven more by market demand and specific development master plans. Most single-use neighborhoods will occur within the Rural Residential designation and will be encouraged to preserve large tracts of open space through the use of clustering and other techniques.

Chapter 5: Growth Management

BACKGROUND AND INTENT

Growth brings a number of benefits to a community; however, it also brings a number of impacts and costs. To help balance these factors, the Town seeks to promote an urban development pattern that represents the sustainable use of land, energy and other resources by encouraging orderly, contiguous growth and minimizing single-use or low-density, dispersed development.

Goal #1— Sustainable Development Patterns

Promote the sustainable use of land and other resources by encouraging orderly, contiguous growth and compact development.

POLICIES:

GM 1.1—ENCOURAGE A BALANCED MIX OF RESIDENTIAL AND NONRESIDENTIAL USES IN THE COMMUNITY

The Town will strive to achieve a more balanced mix of residential and nonresidential uses to shift its emphasis away from a “bedroom” community.

GM 1.2—COMPACT, NEIGHBORHOOD-ORIENTED PATTERN

The Town will strive to achieve a compact pattern of development focused in a series of interconnected, mixed-use neighborhoods.

Chapter 11: Transportation and Mobility

BACKGROUND AND INTENT

Erie’s transportation system is envisioned as a multi-modal network of roads, bicycle lanes and paths, transit services, and pedestrian facilities that will support the planned land uses in the Town by providing mobility to residents and visitors. The Town is still relatively small in size but has room to grow with new residential and commercial developments and investments in public infrastructure. This presents a unique and fortunate situation for the Town because it provides an opportunity to develop the transportation system to modern standards and implement transportation improvements as growth occurs. This chapter describes the vision for Erie’s roadway system, presents transit issues and opportunities, and discusses bicycle and pedestrian mobility.

The Town of Erie, other local governments such as Boulder and Weld Counties, state agencies like the Colorado Department of Transportation (CDOT), and regional agencies like the Regional Transportation District (RTD) and the Denver Regional Council of Governments (DRCOG) provide transportation facilities and services for different travel modes to, from, and within Erie. The definitions of two terms, multi-modal and intermodal, go a long way towards describing these facilities and services. Multi-modal refers to the provision of travel mode options, including the automobile, bicycle, pedestrian, and transit. Although Erie’s transportation system has historically been influenced primarily by the automobile and roadway improvements will continue to be needed, this is an exciting time for alternative travel mode choices in the Town. The passage of the FasTracks vote in November 2004 promises rail transit service in the vicinity of the Town that will benefit Erie’s residents. Bicyclists and pedestrians will benefit from off-

street path facilities and modern design standards. These multi-modal transportation options will provide an alternative to automobile travel, resulting in reduced roadway congestion, better air quality, and improved quality of life through mobility choices. Intermodalism refers to the connections between modes. The basic concept of intermodalism is to provide a seamless transportation system that facilitates easy and efficient movements between modes. With new opportunities for alternative modes, connections will be critical to the system's efficiency and effectiveness. Connections occur at the nodes where the travel modes intersect, such as the FasTracks rail stations that may be served by local feeder buses in Erie, interfaces between the on and off-street bicycle network, at bus stops where the transit rider becomes a pedestrian, and others. As the Town's transportation system matures, these connections will become as significant as the modes themselves.

POLICY FRAMEWORK

Mobility, efficiency, and safety are important aspects of the transportation system. Current and future mobility needs are addressed in the transportation master plan through coordination of appropriate land use decisions and infrastructure investments. The Town will address and plan for an efficient transportation system with connected local and regional roads and future transit opportunities. In addition, the Town will ensure that streets are designed to accommodate a range of travel modes to coincide with existing community needs as well as for new development. Recently, the Town undertook a study to assess the safety of streets not on the state or federal highway system. The Traffic and Safety Study recommends several improvements to increase the safety of local streets through enhanced compliance with standardized traffic controls and state traffic laws.

The following goals and policies will guide the development of Erie's transportation system:

Goal #1: Balanced, Multi-modal Transportation System

Ensure that new development patterns are designed to achieve safety, connectivity, and mobility for all modes of transportation in established as well as developing areas of the community.

TM 1.2—INTERCONNECTED NEIGHBORHOOD STREET AND SIDEWALK PATTERNS

Design neighborhood street systems to encourage internal walk, bike, and auto circulation while limiting traffic volumes and speeds on neighborhood collector and local streets with housing fronts. Install sidewalks on both sides of neighborhood collector streets and at least one side of residential streets in accordance with street design standards. In established areas, identify and install missing sidewalk segments rather than wait for new development to solve problems. However; new development should provide pedestrian access to activities within the site, to future transit stops near the site, and sidewalks along streets bordering the site where appropriate.

TM 1.5—PROMOTE CONNECTIVITY AND CONTINUITY ON LOCAL AND REGIONAL ROADS

Develop a roadway system plan that maintains the intended functions of mobility and access. Design and maintain roadway corridors to meet future needs in accordance with their intended functional classification. Establish access control criteria for growth corridors so that incremental developments do not cause an unmanageable access situation in the future.

Chapter 12: Housing and Neighborhoods

BACKGROUND AND INTENT

Erie strives to be a community of independent, but interrelated neighborhoods. A continuing goal of the Town is to maintain the high quality and established character of existing neighborhoods throughout the community while promoting the development of new neighborhoods that contain a variety of housing types and densities, with amenities, services and retail to ensure opportunities for a variety of household income levels. As an important means of meeting demand for housing variety and affordability, infill and redevelopment will also be promoted in Old Town neighborhoods, as long as it can be achieved in a manner that is compatible with the existing urban fabric.

Goal #1: Neighborhoods as Primary Community Building Block

Guide the design and development of new neighborhoods to ensure connectivity, sustainability and quality of life.

POLICIES:

HN 1.1—NEIGHBORHOOD FOCUS

New residential development should be focused into a series of mixed-use neighborhoods that have a full range of urban services and that contain a diversity of housing types to support the housing needs of a diverse population. Each neighborhood should incorporate complementary and supporting non-residential uses that serve the neighborhood and are designed and operated in harmony with the residential characteristics of a neighborhood, including neighborhood commercial services.

HN 1.2—NEIGHBORHOOD CONNECTIVITY

Neighborhoods should be designed with connected systems of open space, bikeways, trails, and streets with sidewalks that provide internal links as well as links to other neighborhoods and to neighborhood centers.

HN 1.3—NEIGHBORHOOD CENTERS

Neighborhoods should contain and be designed around an identifiable center that includes neighborhood scale retail and services, public and institutional uses, including but not limited to schools, daycare facilities, community centers, places of worship, parks and open space. Depending on the location and size, a single neighborhood center can serve several nearby neighborhoods.

HN 1.4—INCORPORATION OF NATURAL FEATURES

Neighborhoods should be designed in a manner which protects and preserves natural features of the site, including mature stands of trees, wetlands, or drainages as open space amenities that serve as identifying or character defining features.

Goal #3: Mix of Housing Types

Plan for a range of neighborhoods and housing types that can accommodate the diverse housing needs of all residents.

POLICIES:

HN 3.1—MIX OF HOUSING TYPES AND DENSITIES

The Town will encourage the incorporation of a mixture of housing types with varied price ranges, lot sizes, lot configurations, and densities, to attempt to meet the needs of all segments of the community. In addition, the Town will encourage the use of a mix of builders for larger developments and the incorporation of efficiency standards and clustering, where appropriate.

HN 3.2—MAINTAIN AND ENCOURAGE HOUSING THAT MEETS THE DIVERSE NEEDS OF RESIDENTS

There is growing concern about the availability of attainable housing for low and moderate-income families in Erie. The Town will work with the private sector and non-profit agencies to ensure that sites that are potentially suitable for housing are available within the Planning Area to achieve a variety of price points.

This should include sites at a variety of scales to accommodate both small infill projects and larger redevelopment or green field projects. In addition, the Town will encourage innovative design in housing by considering financial incentives and other mechanisms to reduce development costs, such as:

- Varied lot sizes (including small lots);

- Varied lot configurations;
- Clustering;
- Mix of builders; and
- Efficiency standards.

Chapter 13: Community Character and Design

Goal #2: Development and Design Standards

Guide the quality of development with building and site design standards and guidelines as appropriate.

POLICIES:

CCD 2.1—STREET DESIGN AND APPEARANCE

The Town will develop a coordinated approach to street design and appearance, as well as streetscape improvements. Streets will be designed with equal consideration to visual character and safety. This should include consideration of special paving at crosswalks, landscaping, unified approaches to fencing, public signs, lighting (pedestrian scale and street scale), consistent setbacks, and screening of parking and service areas.

C CD 2.2—HIGH QUALITY SITE PLANNING AND BUILDING DESIGN

Encourage high quality site planning and building design standards for residential, commercial and employment center development. Standards should address transitions or setbacks between different land uses; parking lot design and landscaping; quality architecture and building materials; pedestrian amenities; and sign guidelines and/or standards.

CCD 2.3—SITE GRADING

Grading of developed lots shall take on a sinuous, natural landform with mild side slopes of 3:1 and 5:1 or greater. Geometric, linear, and homogenous landforms are unacceptable.

Goal #3: High-Quality Development

Promote the use of building materials that foster a high-quality appearance, longevity, and energy efficiency for new homes and businesses in the community.

POLICIES:

CCD 3.1—DEVELOPMENT QUALITY

The Town will require a high level of quality for all new residential and nonresidential development and redevelopment. Standards should address the use of long-lasting, low-maintenance materials.

CCD 3.2—COMMUNITY IDENTITY

New neighborhoods shall incorporate elements that strengthen both their individual identity as well as their identity as part of the Town of Erie, through signage and other design features.

CCD 3.3—SUSTAINABLE DESIGN

The Town will encourage development that incorporates the principles of sustainable design and that reduces energy and resource consumption and impacts on the environment, by:

- Minimizing resource consumption, energy use, and water use;
- Using renewable energy sources and locally produced materials;
- Minimizing use of toxic products, pesticides, herbicides, and chemicals; and
- Utilizing technological resources and standards such as LEEDTM (Leadership in Energy Efficiency and Design), Built Green Colorado TM, US Department of Energy's Building America program, and Energy Star and other standards for energy efficiency.

DayBreak Area Urban Renewal Plan

Town of Erie, Colorado

Appendix II:

Urban Renewal Plan Area Legal Description

DayBreak Area Urban Renewal Plan

Town of Erie, Colorado

Appendix III:

Tax Increment Financing Area No. 1 Legal Description